

Message Text

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ORIGIN EB-08

INFO OCT-01 EUR-12 ISO-00 ITC-01 AID-05 CIAE-00
COME-00 FRB-03 INR-07 NSAE-00 USIA-06 TRSE-00
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-----220637Z 059746 /15
R 220154Z APR 77
FM SECSTATE WASHDC
TO AMEMBASSY ROME

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E.O. 11652: N/A

TAGS: ETRD, IT

SUBJECT: COUNTERVAILING DUTY LITIGATION -- ZENITH CASE ON
REBATE OF JAPANESE COMMODITY TAX

REF: A) ROME 6424 B) STATE 20455 (NOTAL) C) STATE 20440
D) STATE 2473

1. IN RESPONSE TO REQUEST IN REF A, FOLLOWING IS THE
TEXT OF REF D, STATE 2473. BEGIN TEXT:

ON JANUARY 6, A PRETRIAL ORDER WILL BE ISSUED SETTING
FORTH PROPOSED SCHEDULE IN U.S. STEEL CASE AGAINST THE
REBATE OF THE VALUE-ADDED TAX ON STEEL EXPORTED FROM THE

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EC. ACCORDING TO THE SCHEDULE, TRIAL OF THE CASE WOULD
BEGIN ON DECEMBER 5 AND WOULD TAKE AN ESTIMATED TWO-THREE
WEEKS. (FYI. IN CONFERENCE WITH CHIEF JUDGE AND JUSTICE
ATTORNEYS, U.S. STEEL REPS INSISTED THEY COULD NOT BE PRE-
PARED FOR TRIAL EARLIER. END FYI.) U.S. STEEL APPEARS
TODESIRETHAT THE CASE GO TO TRIAL. THERE IS A
REMOTE POSSIBILITY THAT THE COMPANY MAY MOVE FOR SUMMARY

JUDGMENT IF THE DECISION IN THE ZENITH CASE REGARDING
REBATE OF THE COMMODITY TAX ON EXPORTS OF ELECTRONIC

PRODUCTS FROM JAPAN IS AGAINST THE USG. ON THE OTHER
HAND, IF THE DECISION IN ZENITH IS IN FAVOR OF THE USG,
JUSTICE ATTORNEYS MIGHT POSSIBLY MOVE FOR A SUMMARY
JUDGMENT IN U.S. STEEL, ALTHOUGH THE COMPANY IS
LIKELY TO ASSERT THAT THE ISSUES ARE NOT THE SAME.

WITH THIS DELAY IN THE U.S. STEEL CASE, IT IS POSSIBLE
THAT THE FULL APPELLATE PROCESS (COURT OF CUSTOMS AND
PATENT APPEALS AND SUPREME COURT) IN ZENITH COULD BE
COMPLETED PRIOR TO A CUSTOMS COURT DECISION IN U.S.

STEEL. JUSTICE ATTORNEYS ARE PLEASED WITH THIS TIMETABLE.
END TEXT.

2. EMBASSY ROME WAS TO HAVE RECEIVED A COPY BUT ON
REFERENCE TO COMEBACK COPY IT APPEARS THERE WAS A
PROBLEM IN TRANSMISSION THAT WAS NOT NOTED AT THE TIME.
REFS B AND C ARE LENGTHY CABLES PRIMARILY OF INTEREST
TO EMBASSY TOKYO. IN VIEW OF THEIR LENGTH AND THE FACT
THEY CAN NO LONGER BE AUTOMATICALLY REPEATED, WE ARE
POUCHING COPIES.
VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Concepts: PRESS COMMENTS, COUNTERVAILING DUTIES, COURT PROCEEDINGS, TRADE CONTROLS, TELEVISION EQUIPMENT, TAX RELIEF
Control Number: n/a
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Sent Date: 22-Apr-1977 12:00:00 am
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Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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Disposition History: n/a
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